

**PATENT**/Docket No. 6270.N DV1  
Serial No.09/641,396

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner of Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

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TECH CENTER 1600/2900

In re Application of : MF Gordeev, GW Luehr, DV Patel, Z-J Ni, and E Gordon  
Application Number : 09/641,396  
Filed : 17 August 2000  
For : Oxazolidinone Combinatorial Libraries, Compositions and Methods of Preparation

Sir:

The owner, Pharmacia and Upjohn Company, of the whole interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,441,005 B1. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

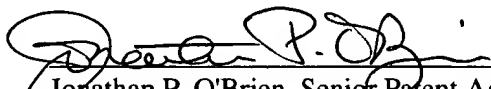
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the terminal disclaimer fee of \$110.00, or such larger or less amount as the Commissioner determines under 37 CFR 1.20(d), to Deposit Account No. 21-0718.

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Date: 1/22/04

  
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